

REMARKS/ARGUMENTS

Reconsideration and withdrawal of the rejections of the application are respectfully requested in view of the amendments and remarks herewith, which place the application into condition for allowance. The present amendment is being made to facilitate prosecution of the application.

I. STATUS OF THE CLAIMS AND FORMAL MATTERS

Claims 2-5, 8-15, 17-21, 23-29 and 32 are currently pending. Claims 16, 22 and 30 have been canceled without prejudice or disclaimer of subject matter. Claims 8, 17, 23 and 32 are independent and hereby amended.

II. RESPONSE TO REJECTIONS UNDER 35 U.S.C. §101

Applicants thank the Examiner for noting claims 2-5, 8-16, 17-30 and 32 are considered statutory.

III. RESPONSE TO REJECTIONS UNDER 35 U.S.C. §103(a)

Claims 8, 3, 4, 9-13, 17, 19, 23-27 were rejected under 35 U.S.C. §103 as allegedly unpatentable over U.S. Pat. No. 7,013,477 to Nakamura et al. (“Nakamura”) in view of U.S. Pat. No. 6,973,669 to Daniels in view of U.S Pat. No. 5,027,400 to Baji et al. (“Baji”) in view of U.S. Pat. App. Publ. No. 2002/0166120 of Boylan III et al. (“Boylan”) in view of U.S. Pat. No. 6,496,857 to Dustin et al. (“Dustin”).

Claims 2 and 18 were rejected under 35 U.S.C. §103 as allegedly unpatentable

over Nakamura, Daniels, Baji, Boylan, Dustin and further in view of U.S. Pat. App. Publ. No. 2002/0019769 of Barritz et al. (“Barritz”).

Claims 5, 14, 20, and 28 were rejected under 35 U.S.C. §103 as allegedly unpatentable over Nakamura, Daniels, Baji, Boylan, Dustin and further in view of U.S. Pat. App. Publ. No. 2003/0192060 of Levy.

Claims 15, 16, 21, 22, 29, and 30 were rejected under 35 U.S.C. §103 as allegedly unpatentable over Nakamura, Daniels, Baji, Boylan, Dustin and further in view of U.S. Pat. No. 6,285,818 to Suito et al. (“Suito”).

Claim 32 was rejected under 35 U.S.C. §103 as allegedly unpatentable over Nakamura, Baji, Boylan and Dustin.

Applicants submit that Suito is disqualified as §103 prior art to the present application under the provisions of 35 U.S.C. §103(c). Under the provisions of 35 U.S.C. §103(c), as amended on November 29, 1999, subject matter developed by another person, which qualifies as prior art only under one of more of subsections (e), (f) and (g) of 35 U.S.C. §102, shall not preclude patentability under §103 where the subject matter and the claimed invention were, at the time the invention was made, owned by the same person or subject to an obligation of assignment to the same person or organization.

Suito and the present application were, at the time the present invention was made, subject to an obligation of assignment to the same organization, i.e., Sony Corporation. Such obligation is evidenced by the recording of assignment documents in the U.S. Patent and Trademark Office.

Accordingly, Suito is disqualified as prior art in a rejection under 35 U.S.C. §103(a); and thus all of the outstanding rejections based upon Suito in the above-noted Office Action are overcome.

Thus, claims 15, 16, 21, 22, 29 and 30, which were rejected under 35 U.S.C. 103(a) over Suito in combination with other reference, are patentable.

Therefore, claims 8, 17, 23 and 32 are hereby amended to incorporate the features of claim 16, which is patentable. Thus, Applicants respectfully submit that independent claims 8, 17, 23 and 32 are patentable.

Therefore, Applicants respectfully submit that pending claims 2-5, 8-15, 17-21, 23-29 and 32 are patentable.

CONCLUSION

Please charge any additional fees that may be needed, and credit any overpayment, to our Deposit Account No. 50-0320.

Applicants respectfully submit that all of the claims are in condition for allowance and request early passage to issue of the present application.

Respectfully submitted,

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